

PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE BOARD OF MEDICINE AND SURGERY

MINUTES OF THE MEETING  
OF THE  
BOARD OF MEDICINE AND SURGERY

January 23, 2015

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman Michael J. Bittles, MD, at 9:03 am on January 23, 2015, in the Lighthouse Room, Country Inn & Suites, 5353 N 27<sup>th</sup> Street, Lincoln, Nebraska. The following members answered the roll call:

Michael J. Bittles, MD, Chair  
Jeffrey L. Howorth, Vice-Chair  
Karen M. Higgins, MD  
Merle J. Henkenius  
Vonn E. Roberts, MD  
Judith Scott, DO  
Carl V. Smith, Secretary

Absent: Mark D. Goodman, MD

A quorum was present and the meeting convened.

Also present to participate in the meeting: Julie Agena, Assistant Attorney General; Becky Wisell, Administrator, Licensure Unit; and Vonda Apking, Health Licensing Coordinator, Licensure Unit; Kelli Dalrymple, Health Licensing Coordinator; Jeff Newman, Investigator; and Larry Weihl, Investigator; Peggy Persell, Program Manager, Investigations; and Robert Semerena, Administrator, Investigations.

ADOPTION OF AGENDA

Roberts moved, seconded by Smith, to approve adoption of the agenda. Voting aye: Bittles, Henkenius, Higgins, Howorth, Roberts, Scott, Smith. Voting nay: none. Absent: Goodman. Motion carried.

PRESENTATION FOR A PLAN TO PROVIDE FREE CONTINUING EDUCATION PROGRAMS TO PROVIDERS FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

Jodi Fenner, Director Division of Developmental Disabilities, and Todd Stull, MD spoke about providing continuing education to providers on how to handle someone who has a developmental disability. They are asking providers to come up with suggestion or ideas to get across to practitioners of the State that these continuing education opportunities are available to them.

APPROVAL OF MINUTES OF THE MEETING

Higgins moved, seconded by Scott, to approve the minutes of the meeting for December 5, 2014. Voting aye: Higgins, Henkenius, Scott, Smith, Roberts, Howorth, Bittles. Voting nay: none. Absent: Goodman. Motion carried.

DESIGNATION OF METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Smith moved, seconded by Scott, to continue to utilize the three current methods to give public notice of Board of Medicine and Surgery meetings. The current methods are to post the agenda on the Department public bulletin board and on the Department website, and to e-mail the agenda to all interested parties. Voting aye: Henkenius, Higgins, Scott, Smith, Roberts, Howorth, Bittles. Voting nay: none. Absent: Goodman. Motion carried.

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INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW

Smith moved, seconded by Roberts, to go into closed session at 9:18 a.m. for the purpose of review of the investigational and disciplinary reports and other closed session items as identified on the agenda.

Bittles recused himself from the meeting at 9:20 a.m.  
Bittles rejoined the meeting at 9:22 a.m.

Returned to open session at 10:15 a.m.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE

Physician and Osteopathic Physician Reinstatement Application(s)

BROWN, LISA – application for a license to practice medicine and surgery. Higgins moved, seconded by Smith, to table a recommendation on this application pending further information. Voting aye: Bittles, Henkenius, Higgins, Howorth, Smith, Scott, Roberts. Voting nay: none. Absent: Goodman. Motion carried.

CLAYCAMP, RENEE – application for a license to practice medicine and surgery. Higgins moved, seconded by Henkenius, to table a recommendation on this application pending further information. Voting aye: Henkenius, Higgins, Howorth, Smith, Scott, Robers, Bittles. Voting nay: none. Absent: Goodman. Motion carried.

MONTGOMERY, WILLIAM - application for a license to practice medicine and surgery. Smith moved, seconded by Roberts, to table a recommendation on this application pending pre-licensure investigation. Voting aye: Higgins, Howorth, Smith, Scott, Roberts, Bittles, Henkenius. Voting nay: none. Absent: Goodman. Motion carried.

CALLENDER, CHARLES - application for a license to practice medicine and surgery. Smith moved, seconded by Scott, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Roberts, Bittles, Henkenius, Higgins. Voting nay: none. Absent: Goodman. Motion carried.

MCINNIS, IAN - application for a license to practice osteopathic medicine and surgery. Scott moved, seconded by Smith, to recommend issuance of a license. Voting aye: Smith, Scott, Roberts, Bittles, Henkenius, Higgins, Howorth. Voting nay: none. Absent: Goodman. Motion carried.

WATSON, HANS - application for a license to practice medicine and surgery. Higgins moved, seconded by Smith, to recommend issuance of a license. Voting aye: Scott, Roberts, Bittles, Henkenius, Higgins, Howorth, Smith. Voting nay: none. Absent: Goodman. Motion carried.

ENCINAS, ALVARO - application for a license to practice medicine and surgery. Smith moved, seconded by Howorth, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Higgins, Howorth, Smith, Scott. Voting nay: none. Absent: Goodman. Motion carried.

NAHAR, NIRU - application for a license to practice medicine and surgery. Scott moved, seconded by Higgins, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Higgins, Howorth, Smith, Scott, Roberts. Voting nay: none. Absent: Goodman. Motion carried.

CORTEZ, RICARDO - application for a license to practice medicine and surgery. Smith moved, seconded by Scott, to recommend issuance of a license. Voting aye: Henkenius, Higgins, Howorth, Smith, Scott, Roberts, Bittles. Voting nay: none. Absent: Goodman. Motion carried.

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SCHMITZ, MARCUS - application for a license to practice medicine and surgery. Higgins moved, seconded by Roberts, to recommend issuance of a license. Voting aye: Higgins, Howorth, Smith, Scott, Roberts, Bittles, Henkenius. Voting nay: none. Absent: Goodman. Motion carried.

VARMA, NAVIN - application for a license to practice medicine and surgery. Scott moved, seconded by Roberts, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Roberts, Bittles, Henkenius, Higgins. Voting nay: none. Absent: Goodman. Motion carried.

WHITLEY, JOHN - application for a license to practice medicine and surgery. Smith moved, seconded by Scott, to recommend issuance of a license. Voting aye: Smith, Scott, Roberts, Bittles, Henkenius, Higgins, Howorth. Voting nay: none. Absent: Goodman. Motion carried.

HAJEK, MICHAEL - application for a license to practice medicine and surgery. Roberts moved, seconded by Higgins, to recommend issuance of a license. Voting aye: Scott, Roberts, Bittles, Henkenius, Higgins, Howorth, Smith. Voting nay: none. Absent: Goodman. Motion carried.

HUBBELL, RICHARD – application for a license to practice medicine and surgery. Scott moved, seconded by Smith, to recommend issuance of a license on probation for a period of five years, with practice monitor, prospective/retrospective review, random body fluid screens, and all other usual conditions for this circumstance. Voting aye: Higgins, Bittles, Henkenius, Howorth, Smith, Scott. Voting nay: Roberts. Absent: Goodman. Motion carried.

MOHRING, STEPHEN - application for a license to practice medicine and surgery. Higgins moved, seconded by Smith, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Higgins, Howorth, Smith, Scott, Roberts. Voting nay: none. Absent: Goodman. Motion carried.

MOWERY, JOSEPH - application for a license to practice medicine and surgery. Smith moved, seconded by Howorth to recommend issuance of a license. Voting aye: Henkenius, Higgins, Howorth, Smith, Scott, Roberts, Bittles. Voting nay: none. Absent: Goodman. Motion carried.

NESMITH, DOROTH - application for a license to practice medicine and surgery. Smith moved, seconded by Howorth, to recommend issuance of a license. Voting aye: Higgins, Howorth, Smith, Scott, Roberts, Bittles, Henkenius. Voting nay: none. Absent: Goodman. Motion carried.

#### Physician Reinstatement Application

DAAB, LEO - application for reinstatement of a license to practice medicine and surgery. Scott moved, seconded by Howorth, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Roberts, Bittles, Henkenius, Higgins. Voting nay: none. Absent: Goodman. Motion carried.

MANSOUR, FAYZEH - application for a license to practice medicine and surgery. Higgins moved, seconded by Roberts, to table recommendation pending further information. Voting aye: Smith, Scott, Roberts, Bittles, Henkenius, Higgins, Howorth. Voting nay: none. Absent: Goodman. Motion carried.

#### REVIEW OF PHARMACEUTICAL CARE AGREEMENTS

The Board reviewed pharmaceutical care agreements.

#### LETTER FROM OPTOMETRIC SOCIETY

The Board reviewed the letter from the Optometric Society.

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AMERICAN LEGISLATIVE EXCHANGE COUNCIL (ALEC) – INTERSTATE MEDICAL LICENSURE COMPACT

The Board reviewed the information submitted from ALEC regarding licensure compact.

LEGISLATION

Dale Mahlman, Executive Vice-President of the Nebraska Medical Association was present to review legislation.

LB37 – Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions.

LB80 – Provide, change, and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act.

LB107 – Eliminate integrated practice agreements and provide for transition-to-practice agreements for nurse practitioners. Higgins moved, and Howorth seconded to send a letter in opposition to this bill as this would eliminate the relationship between doctor and nurse practitioner. Voting aye: Smith, Scott, Roberts, Bittles, Henkenius, Higgins, Howorth. Voting nay: none. Absent: Goodman. Motion carried.

LB114 – Redefine ambulatory surgical center and health clinic under the Health Care Facility Licensure Act

LB115 – Prohibit certain actions related to social security numbers

LB129 – Require criminal background checks for applicants for an initial nursing license

LB187 – Require DHHS and health care facilities to provide information regarding abortion. Higgins moved, and Smith seconded to send a letter in opposition to this bill as it does not address any exclusions to the law. Voting aye: Smith, Scott, Roberts, Henkenius, Higgins, Howorth. Voting nay: Bittles. Absent: Goodman. Motion carried.

LB196 – Change provisions relating to student loans and loan repayments. Roberts moved, Smith second to send letter in support. Voting aye: Bittles, Higgins, Henkenius, Roberts, Smith, Scott. Voting nay: none. Absent: Goodman. Motion carried.

LB211 – Authorize chiropractors to provide school entrance physical examinations and visual evaluations. Roberts moved, Howorth seconded to send letter in opposition of bill based on the fact that chiropractors are not qualified and this is the practice of medicine. Voting aye: Roberts, Henkenius, Higgins, Smith, Scott, Howorth, Bittles. Voting nay: none. Absent: Goodman. Motion carried.

LB257 – Require insurers to provide descriptions relating to telehealth and telemonitoring. The Board asked for a mail ballot to be sent out on this bill.

LB258 – Adopt the Interstate Medical Licensure Compact License. Higgins moved, Smith seconded to send letter of support for this bill. Voting aye: Scott, Roberts, Smith, Higgins, Henkenius, Bittles, Howorth. Voting nay: none. Absent: Goodman. Motion carried.

LB264 – Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training or experience. Smith moved, Robert seconded to send letter in opposition of bill based on it changes the standards for who is licensed in Nebraska. Voting aye: Howorth, Bittles, Scott, Smith, Henkenius, Roberts. Voting: none. Abstain: Higgins. Absent: Goodman. Motion carried.

LB369 – Change provisions relating to impaired credential holders under the Uniform Credentialing Act. Smith moved, Higgins seconded to send letter in support. Voting aye: Bittles, Scott, Smith, Henkenius, Robert, Higgins, Howorth. Voting nay: none. Absent: Goodman. Motion carried.

LB390 – Provide for the use of medical marijuana as prescribed. Higgins moved, Roberts seconded to send letter in support. Voting aye: Higgins, Roberts, Scott, Henkenius. Voting nay: Smith. Bittles, Howorth. Absent: Goodman. Motion carried.

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LB452 – Provide advertising requirements under the Uniform Credentialing Act. Scott moved, Howorth seconded to send letter of support. Voting aye: Howorth, Bittles, Smith, Henkenius, Scott, Roberts, Higgins. Voting nay: none. Absent: Goodman. Motion carried.

LB471 – Change provisions relating to prescription drug monitoring. Smith moved, Howorth seconded to send letter of support based on there is not easy way for monitoring of drugs from provider to provider. Voting aye: Smith, Scott, Higgins, Henkenius, Howorth, Roberts. Voting nay: none. Absent: Goodman. Motion carried.

LB643 – Adopt the Cannabis Compassion and Care Act. The Board requested for a mail ballot to be sent out on this bill.

ELECTION OFFICERS

Higgins moved, seconded by Scott, to nominate Goodman for the position of Secretary. Voting aye: Higgins, Henkenius, Scott, Bittles, Howorth, Roberts. Abstain: Smith. Voting nay: none. Absent: Goodman. Motion carried.

Higgins moved, seconded by Howorth to nominate Smith for the position of Vice-Chair. Voting aye: Higgins, Henkenius, Scott, Bittles, Howorth, Roberts. Abstain: Smith. Voting nay: none. Absent: Goodman. Motion carried.

Higgins moved, seconded by Scott to nominate Howorth for the position of Chair. Voting aye: Higgins, Henkenius, Scott, Smith, Bittles, Howorth, Roberts. Voting nay: none. Absent: Goodman. Motion carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:29 pm

Respectfully submitted,

Carl V. Smith, MD Secretary  
Board of Medicine and Surgery